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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROBERT ROYCE BYFORD,

Petitioner,

vs.

JEREMY BEAN, *et al.*,

Respondents.

Case No. Case No. 3:11-cv-00112-JCM-CSD

**UNOPPOSED MOTION FOR  
ENLARGEMENT OF TIME TO RESPOND  
TO REPLY AND TO MOTIONS FOR  
EVIDENTIARY HEARING AND  
DISCOVERY  
(ECF NOS. 209, 210, 211)  
(SECOND REQUEST)**

Respondents, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, hereby move this Court for an enlargement of time of sixty (60) days from the current due date of November 29, 2024, up to and including January 28, 2025, in which to file their responses to Petitioner's reply (ECF No. 209), motion for evidentiary hearing (ECF No. 210), and motion for discovery (ECF No. 211).

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1 This motion is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice  
2 and is based upon the attached declaration of counsel. This is the second enlargement of time sought by  
3 Respondents to file the responses, and the request is brought in good faith and not for the purpose of  
4 delay.

5 DATED: November 26, 2024.

6 Submitted by:

7 AARON D. FORD  
8 Attorney General

9 By: /s/ Erica Berrett  
10 Erica Berrett (Bar. No. 13826)  
11 Senior Deputy Attorney General  
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**DECLARATION OF ERICA BERRETT**

I, ERICA BERRETT, hereby declare, based on personal knowledge and/or information and belief, that the following is true:

1. I am a Senior Deputy Attorney General in the Post-Conviction Division of the Office of the Nevada Attorney General. I make this declaration on behalf of Respondents' motion for enlargement of time.

2. The deadline to file the responses to the reply and the motions for evidentiary hearing and discovery is currently November 29, 2024. I have been unable with due diligence to timely complete these pleadings. Therefore, I am requesting a 60-day extension of time, up to and including January 28, 2025, to file the responses.

3. This motion is made in good faith and not for the purpose of delay.

4. Since Respondents' previous request for enlargement of time in this case, I have had to work on other federal habeas matters, including filing a motion for more definite statement and a reply in support of that motion in capital habeas matter *Bolin v. Bean, et al.*, Case No. 3:07-cv-00481-ART-CLB; an answer in *Dale v. Williams, et al.*, Case No. 3:20-cv-00031-MMD-CLB; an opposition to motion for reconsideration in *Porter v. Garrett, et al.*, Case No. 3:22-cv-00089-MMD-CLB; a motion to dismiss in *Hernandez v. Gentry, et al.*, Case No. 2:16-cv-01841-JCM-VCF; and a motion to dismiss in *Sharpe v. Nevin et al.*, Case No. 2:16-cv-01841-JCM-VCF. I am currently working on a motion to dismiss in the aforementioned capital habeas matter *Bolin v. Bean, et al.*, and I had to prioritize that matter in particular because counsel for the petitioner indicated an opposition against further extensions, and the age of the case precedes even Petitioner Byford's federal habeas matter.

5. Additionally, since Respondents' previous request for enlargement of time, I have had two additional surgeries, and approximately a dozen related medical appointments, which has limited me from working the large number of overtime hours that I typically work. I also had to take a limited number of days off completely to recover from the surgeries.

6. Since the beginning of November 2024, I have also been monitoring the entire federal habeas caseload of a colleague who is out on a 90-day medical leave. I have been assisting my colleague with drafting pleadings, drafting motions for enlargement of time, or reassigning her cases as needed.

1 This has been a significant burden on my time, further limiting me from spending substantial time on the  
2 pleadings in this matter.

3 7. I contacted Petitioner's counsel regarding this request. Counsel does not oppose this  
4 enlargement of time.

5 8. Based on the foregoing, I respectfully request an enlargement of time of 60 days, up to  
6 and including January 28, 2025, in which to file the responses to the reply, motion for evidentiary hearing,  
7 and motion for discovery.

8 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and  
9 correct.

10 Executed on November 26, 2024.

11 /s/ Erica Berrett

12 Erica Berrett (Bar No. 13826)

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16 IT IS SO ORDERED:

17   
18 UNITED STATES DISTRICT JUDGE

19 DATED: December 2, 2024

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing *Unopposed Motion for Enlargement of Time to File Response to Reply and to Motions for Evidentiary Hearing and Discovery (ECF Nos. 209, 210, 211) (Second Request)* with the Clerk of the Court by using the CM/ECF system on November 26, 2024.

The following participants in this case are registered CM/ECF users and will be serve by the CM/ECF system:

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/s/ R. Garate  
An employee of the Office of the Attorney General